

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

**VIRNETX, INC. AND  
SCIENCE APPLICATIONS  
INTERNATIONAL CORPORATION,**

**Plaintiffs,**

**v.**

**APPLE INC.**

**Defendant.**

§  
§  
§  
§  
§  
§  
§  
§  
§  
§  
§

**Civil Action No. 6:12-cv-855-RWS  
LEAD CONSOLIDATED CASE**

**JURY TRIAL DEMANDED**

**DEFENDANT APPLE INC.'S TRIAL WITNESS LIST**

Pursuant to the Court's Discovery Order and Docket Control Order entered in this action, Defendant Apple Inc. ("Apple") hereby respectfully submits its Trial Witness List for identification and categorization of trial witnesses. Apple includes in this trial witness list individuals who may be listed on Plaintiffs' opening and rebuttal witness lists without waiving any right to object to Plaintiffs' presentation of such witnesses at trial, without waiving any objections to the admissibility of any such testimony, and without waiving the right to move for the exclusion of any testimony. Apple's trial witness list relates to the current action (6:12-cv-855-RWS / 6:11-cv-563-RWS) only. Apple expressly reserves the right to modify, supplement, or amend this trial witness list in response to Plaintiffs' witnesses lists, in response to any consolidation for trial of this matter with *VirnetX v. Apple*, No. 10-cv-417-RWS, or any other circumstances that may occur between now and the conclusion of trial, to the extent permitted by the Federal Rules of Civil Procedure, by the Local Rules, or by other Order of this Court.

At this time, Apple identifies the following witnesses for trial:<sup>1</sup>

---

<sup>1</sup> To the extent a witness is not available to offer live testimony, Apple may present deposition testimony for each such respective witness irrespective of whether the witness is designated as may call by deposition.

WITNESS	WILL CALL LIVE	MAY CALL LIVE OR BY DEPOSITION	MAY, BUT PROBABLY WILL NOT, CALL LIVE OR BY DEPOSITION
<b>W. Christopher Bakewell</b>  Employer: Duff & Phelps  Topic: Damages	X		
<b>Matthew Blaze</b>  Employer: University of Pennsylvania  Topic: Invalidity; Non-Infringement; Patents-in-Suit; Technology-in-Suit; Accused Products	X		
<b>James Carmichael</b>  Employer: Miles & Stockbridge P.C.  Topic: Inequitable Conduct; PTO Practice and Procedure	X		
<b>E. Deborah Jay</b>  Employer: Field Research Corporation  Topic: Damages	X		
<b>Daniel McFadden</b>  Employer: University of California, Berkeley; University of Southern California; The Brattle Group  Topic: Damages	X		
<b>Lee Van Pelt</b>  Employer: Van Pelt, Yi & James LLP  Topic: Non-infringement opinions of counsel	X		

<b>WITNESS</b>	<b>WILL CALL LIVE</b>	<b>MAY CALL LIVE OR BY DEPOSITION</b>	<b>MAY, BUT PROBABLY WILL NOT, CALL LIVE OR BY DEPOSITION</b>
<b>Darin Adler</b>  Employer: Apple Inc.  Topic: Accused Products		X	
<b>Frank Casanova</b>  Employer: Apple Inc.  Topic: Accused Products		X	
<b>Donald Foley</b>  Employer: Leidos, Inc.; Martingale Consulting  Topic: SAIC/Leidos; VirnetX; Patents-in-Suit; Technology-in-Suit		X	
<b>Patrick Gates</b>  Employer: Apple Inc.  Topic: Accused Products		X	
<b>Sandy Ginoza</b>  Employer: Association Management Solutions, LLC  Topic: Prior Art		X	
<b>Chris Hopen</b>  Employer: Switch Inc.  Topic: Prior Art		X	
<b>Thomas Jansen</b>  Employer: Apple Inc.  Topic: Accused Products		X	

WITNESS	WILL CALL LIVE	MAY CALL LIVE OR BY DEPOSITION	MAY, BUT PROBABLY WILL NOT, CALL LIVE OR BY DEPOSITION
<b>Toby Kusmer</b>  Employer: McDermott Will & Emery LLP  Topic: Inequitable Conduct; Patent Prosecution		X	
<b>Kendall Larsen</b>  Employer: VirnetX, Inc.  Topic: VirnetX; Licensing; Patents-in-Suit; Technology-in-Suit		X	
<b>Victor Larson</b>  Employer: VirnetX, Inc.  Topic: VirnetX; Patents-in-Suit; Technology-in-Suit		X	
<b>Sameer Mathur</b>  Employer: VirnetX, Inc.  Topic: VirnetX; Licensing; Patents-in-Suit; Technology-in-Suit		X	
<b>Edmund Colby Munger</b>  Employer: Retired  Topic: VirnetX; Patents-in-Suit; Technology-in-Suit		X	
<b>Simon Patience</b>  Employer: Retired  Topic: Accused Products		X	

WITNESS	WILL CALL LIVE	MAY CALL LIVE OR BY DEPOSITION	MAY, BUT PROBABLY WILL NOT, CALL LIVE OR BY DEPOSITION
<b>Henning Schulzrinne</b> Employer: Columbia University Topic: Prior Art		X	
<b>Robert Short</b> Employer: VirnetX, Inc. Topic: VirnetX; Patents-in-Suit; Technology-in-Suit		X	
<b>John Stauffer</b> Employer: Apple Inc. Topic: Accused Products		X	
<b>Gokul Thirumalai</b> Employer: Apple Inc. Topic: Accused Products		X	
<b>Michael Williamson</b> Employer: VirnetX, Inc. Topic: VirnetX; Patents-in-Suit; Technology-in-Suit		X	
<b>Robert Wolven</b> Employer: Columbia University Topic: Prior Art		X	
<b>Jamie Wood</b> Employer: Apple Inc. Topic: Accused Products		X	

<b>WITNESS</b>	<b>WILL CALL LIVE</b>	<b>MAY CALL LIVE OR BY DEPOSITION</b>	<b>MAY, BUT PROBABLY WILL NOT, CALL LIVE OR BY DEPOSITION</b>
<b>Justin Wood</b> Employer: Apple Inc. Topic: Accused Products		X	
<b>Andy Yang</b> Employer: Apple Inc. Topic: Accused Products		X	
<b>Joe Abuan</b> Employer: Apple Inc. Topic: Accused Products			X
<b>Chris Becherer</b> Employer: Rdio Topic: Accused Products			X
<b>William Becker</b> Employer: SafeNet, Inc. Topic: Licensing; Communications with VirnetX			X
<b>Darryl Bleau</b> Employer: Apple Inc. Topic: Accused Products			X
<b>George Bonanto</b> Employer: Google Inc. Topic: Communications with VirnetX			X

<b>WITNESS</b>	<b>WILL CALL LIVE</b>	<b>MAY CALL LIVE OR BY DEPOSITION</b>	<b>MAY, BUT PROBABLY WILL NOT, CALL LIVE OR BY DEPOSITION</b>
<b>Mark Buckley</b> Employer: Apple Inc. Topic: Finance			X
<b>Adam Bulakowski</b> Employer: ipCapital Group Topic: Services provided to VirnetX			X
<b>Jeremy Butcher</b> Employer: Apple Inc. Topic: Accused Products			X
<b>Deidre Caldbeck</b> Employer: Apple Inc. Topic: Accused Products			X
<b>John Glancy</b> Employer: Unknown Topic: SAIC/Leidos; Technology-in-Suit			X
<b>Jurgen Gobien</b> Employer: Leidos, Inc. Topic: SAIC/Leidos; VirnetX; Technology-in-Suit			X
<b>Edward Hendrick</b> Employer: Unknown Topic: SAIC/Leidos; Technology-in-Suit			X

WITNESS	WILL CALL LIVE	MAY CALL LIVE OR BY DEPOSITION	MAY, BUT PROBABLY WILL NOT, CALL LIVE OR BY DEPOSITION
<b>Michael Lachuk</b>  Employer: Leidos, Inc.  Topic: SAIC/Leidos; VirnetX; Patents-in-Suit; Technology-in-Suit			X
<b>Luke McLeroy</b>  Employer: Ericsson  Topic: Inequitable Conduct; Patent Prosecution			X
<b>Robert Moline</b>  Employer: PricewaterhouseCoopers LLP  Topic: Finance			X
<b>Kevin Raidy</b>  Employer: Cowen & Co.  Topic: Services provided to VirnetX			X
<b>Art Rangel</b>  Employer: Apple Inc.  Topic: Accused Products			X
<b>Hasan Rashid</b>  Employer: McDermott Will & Emery LLP  Topic: Inequitable Conduct; Patent Prosecution			X



<b>WITNESS</b>	<b>WILL CALL LIVE</b>	<b>MAY CALL LIVE OR BY DEPOSITION</b>	<b>MAY, BUT PROBABLY WILL NOT, CALL LIVE OR BY DEPOSITION</b>
<b>Jeffrey Risher</b> Employer: Apple Inc. Topic: Licensing			X
<b>Ronak Shah</b> Employer: Apple Inc. Topic: Accused Products			X
<b>Erik Strahm</b> Employer: Apple Inc. Topic: Accused Products			X
<b>Giovanni Tobia</b> Employer: Aastra Technologies Ltd.; Aastra U.S.A. Topic: Licensing; Communications with VirnetX			X
<b>Andrew Vyrros</b> Employer: Unknown Topic: Accused Products			X
<b>Jon Weaklend</b> Employer: VirnetX, Inc. Topic: Finance			X
<b>Kevin Wells</b> Employer: Unknown Topic: Accused Products			X

WITNESS	WILL CALL LIVE	MAY CALL LIVE OR BY DEPOSITION	MAY, BUT PROBABLY WILL NOT, CALL LIVE OR BY DEPOSITION
<b>Barry Whitebook</b>  Employer: Apple Inc.  Topic: Accused Products			X
<b>Gregory Wood</b>  Employer: VirnetX, Inc.  Topic: VirnetX Business Operations			X

Apple reserves the right to call any witness appearing on any opening or rebuttal trial witness lists of Plaintiffs VirnetX, Inc., SAIC and/or Leidos, Inc.

Dated: March 13, 2015

Respectfully submitted,

/s/ Joseph A. Loy

---

Gregory S. Arovas  
greg.arovas@kirkland.com  
Robert A. Appleby  
robert.appleby@kirkland.com  
Jeanne M. Heffernan  
jeanne.heffernan@kirkland.com  
Joseph A. Loy  
joseph.loy@kirkland.com  
**KIRKLAND & ELLIS LLP**  
601 Lexington Avenue  
New York, New York 10022  
Telephone: (212) 446-4800  
Facsimile: (212) 446-4900

Danny L. Williams  
State Bar No. 21518050  
E-mail: danny@wmalaw.com  
Drew Kim  
State Bar No. 24007482  
E-mail: dkim@wmalaw.com  
**WILLIAMS MORGAN P.C.**  
10333 Richmond, Suite 1100  
Houston, Texas 77042  
Telephone: (713) 934-7000  
Facsimile: (713) 934-7011

Michael E. Jones, *Lead Attorney*  
Texas Bar No. 10969400  
mikejones@potterminton.com  
Allen F. Gardner  
Texas Bar No. 24043679  
allengardner@potterminton.com  
**POTTER MINTON**  
A Professional Corporation  
110 N. College Avenue, Suite 500  
Tyler, Texas 75702  
Telephone: (903) 597-8311  
Facsimile: (903) 593-0846

**ATTORNEYS FOR APPLE INC.**

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on March 13, 2015.

/s/ Wendy K. Adams

Wendy K. Adams